

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**NYCOLE WANDVIK-TOLLE, an
individual;**

Plaintiff,

vs.

**KELLOGG USA INC., a Delaware
corporation qualified to do business in
Nebraska;**

Defendant.

8:18CV359

**AMENDED
FINAL PROGRESSION ORDER**

This matter comes before the Court on the Unopposed Motion to Extend Deadlines (Filing No. 21). After review of the parties' motion, the Court finds good cause to grant their requested extensions. Accordingly,

IT IS ORDERED:

- 1) The jury trial of this case remains set to commence before Robert F. Rossiter, Jr., United States District Judge, in Courtroom 4, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at **9:00 a.m. on February 10, 2020**, or as soon thereafter as the case may be called, for a duration of four (4) trial days. This case is subject to the prior trial of other civil cases that may be scheduled for trial before this one. Jury selection will be held at the commencement of trial.
- 2) The Pretrial Conference shall remain scheduled before the undersigned magistrate judge on **January 24, 2020**, at **9:30 a.m.**, and will be conducted in chambers. The parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to nelson@ned.uscourts.gov, in Word format, by **3:00 p.m. on January 17, 2020**.
- 3) The deadline for completing written discovery under Rules 33, 34, and 36 of the Federal Rules of Civil Procedure is **August 1, 2019**. Motions to compel discovery under Rules 33, 34, and 36 must be filed by **August 15, 2019**.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference to discuss the parties' dispute.

- 4) The deposition deadline is **August 1, 2019**.
- 5) The deadline for filing motions to dismiss and motions for summary judgment is **September 10, 2019**.

- 6) The deadline for filing motions to exclude testimony on *Daubert* and related grounds remains **August 30, 2019**.
- 7) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 8) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 9) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 6th day of June, 2019.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge